

**REMARKS**

Applicants submit this Amendment in reply to the Office Action dated April 21, 2004.

By this Amendment, Applicants have amended claims 1, 10, 15, and 25, and added new claims 26-28 to further define the claimed invention. Claims 1, 15, and 25 are the sole independent claims.

Before entry of this Amendment, claims 1-25 were pending in this application. After entry of this Amendment, claims 1-28 are pending in this application.

The originally-filed specification, claims, abstract, and drawings fully support the subject matter of amended claims 1, 10, 15, and 25, and new claims 26-28. No new matter was introduced.

On pages 2-3 of the Office Action, the Examiner rejected each of claims 1-25 under either 35 U.S.C. §102(b) or §103(a) based on U.S. Patent No. 5,990,379 to Gregory ("Gregory"). Applicants respectfully traverse this rejection.

Gregory does not disclose or suggest the invention claimed in each of independent claims 1, 15, and 25. For example, independent claim 1 recites a vascular implant including, among other aspects, "a sleeve surrounding a portion of said tubing." Independent claim 25 includes a similar recitation. In another example, independent claim 15 recites a method of making a vascular implant including, among other aspects, "surrounding a portion of the tubing with a sleeve." Gregory does not disclose at least these aspects of each of the respective claimed inventions either alone or in combination with the other aspects of each of the those claimed inventions.

Specifically, Gregory discloses a stent 14 covered with heterografts 10 by folding the ends of the heterografts 10 back over edges of the stent 14. The overlapping ends 16 of the heterograft 10 are then secured with sutures 18 placed around the circumference of the stent 14. (Col. 14, lines 21-46; Figs. 8-10). Assuming *arguendo* that stent 14 corresponds to the scaffold and that heterograft 10 corresponds to the tubing of claims 1 and 15 (and the conduit and tubing of claim 25), Gregory does not disclose or suggest a sleeve surrounding a portion of the tubing. Gregory only discloses a number of discrete sutures 18 placed intermittently to secure ends 16 of heterograft 10. Accordingly, because Gregory does not disclose or suggest every aspect of each of the respective claimed inventions either alone or in combination with the other aspects of each of the respective claimed inventions, Applicants respectfully request withdrawal of the claim rejections.

Applicants further submit that claims 2-14, 16-24, and 26-28 depend from one of independent claims 1, 15, and 25, and are therefore allowable for at least the same reasons that each of those respective independent claims is allowable. In addition, at least some of the dependent claims recite unique combinations that are neither taught nor suggested by the prior art, and therefore at least some also are separately patentable. As examples, Gregory neither discloses nor suggests at least one of (a) the tubing including a portion in extension away from the scaffold, the tubing second end forming an end of said extension remote from the scaffold, as recited in claim 4; (b) the sleeve surrounding the joint, as recited in claims 10 and 27; (c) said step of inserting the tubing including inserting a only a portion of the tubing into the scaffold interior volume and leaving a remaining portion of the tubing in extension from the scaffold, the tubing

second end forming an end of the remaining portion remote from the scaffold, as recited in claim 19; and/or (d) said sleeve including a tissue growth inducing substance, as recited in claims 26 and 28. The Office Action fails to point to any disclosure in Gregory that discloses any of these additional recitations.

In view of the foregoing remarks, this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

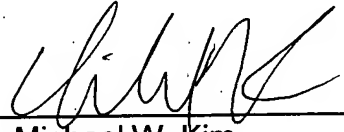
In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicants are in no way intending to limit the scope of the claims to any exemplary embodiments described in the specification and/or shown in the drawings. Rather, Applicants are entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

Please grant any extensions of time required to enter this Amendment and  
charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:   
Michael W. Kim  
Reg. No. 51,880